

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 /055 W

-----191748Z 081820 /44

R 190819Z MAY 77

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 9971

C O N F I D E N T I A L MANILA 7672

E.O. 11652: GDS

TAGS: PINT, PINR, RP

SUBJECT: SUPREME COURT WASHES DIRTY LINEN IN PUBLIC

1. MANILA PRESS LAST TWO DAYS HAS BEEN FILLED WITH ACCOUNTS OF ACRIMONIOUS EXCHANGE BETWEEN SUPREME COURT ASSOCIATE JUSTICE FELIX MAKASIAR AND CHIEF JUSTICE FRED RUIZ CASTRO. MAKASIAR CALLED PRESS CONFERENCE MAY 17 TO DISTRIBUTE STATEMENT "DEMANDING" CASTRO RESIGN BECAUSE HE HAS BECOME TOO DIFFICULT TO WORK WITH, PLEADING ILLNESS WHENEVER CONFRONTED WITH PROBLEMS. (EVENIGN EXPRESS SAID LEAFLETS ALSO DISTRIBUTED TO PASSERS-BY AT SUPREME COUR BUILDING.) MAKASIAR STATEMENT SAID HE AND THREE OTHER JUSTICES (TEEHANKEE, MARTIN, AND MUNOZ-PALMA) SUBMITTED SUGGESTIONS TO CASTRO IN APRIL ON ADMINISTRATIVE REORGANIZATION, BUT CASTRO UNABLE DISCUSS PLAN "WITHOUT GETTING ANGRY, OR RAISING HIS VOICE, OR SHOUTING." MAKASIAR ALSO ACCUSED CASTRO OF VIOLATING CONSTITUTION BY DELAYING ESTABLISHMENT OF OFFICE OF COURT ADMINISTRATOR, PLAYING FAVORITES IN STAFF APPOINTMENTS, AND WASTING COURT FINANCES.

2. CASTRO'S REPLY, CARRIED ON FRONT PAGES OF ALL MORNING DAILIES MAY 19, DEPLORED MAKASIAR'S BREACH OF COUR ETIQUETTE IN MAKING VIEWS PUBLIC. CASTRO SUGGESTED MAKASIAR UNDER TREMENDOUS STRAIN DUE TO BRUTAL SLAYING OF HIS SON-IN-CONFIDENTIAL

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LAW LAST YEAR AND RECENT DEATH OF GRANDCHILD.

3. PRESS HAS NOT TAKEN SIDES IN ROW. VALENCIA NOTED IN DAILY EXPRESS THAT SUPREME COURT JUSTICES, BEING HUMAN, HAVE THEIR OWN DOMESTIC PROBLEMS AND "THE ONLY THING NEW IS THAT THE THING IS IN THE OPEN AND WE ARE ALL INVITED TO WATCH." TIMES JOURNAL'S GUEVARA POKED FUN AT SQUABBLE. BULLETIN TODAY'S

BATALLA NOTED IN SOBER ANALYSIS THAT PROBLEM DERIVES FROM POWER GIVEN THE SUPREME COURT UNDER 1973 CONSTITUTION TO SUPERVISE ALL LOWER COURTS, WHICH HAS GREATLY OVERBURDENED JUSTICES. EXCESSIVE WORK LOAD, SAID BATALLA, "CANNOT BUT AFFECT TO SOME DEGREE THE DECISION-MAKING ABILITY OF THE COURT."

4. COMMENT: BOTH CASTRO AND MAKASIAR ARE MARCOS APPOINTEES REPUTED TO HAVE CLOSE TIES TO THE PRESIDENT. CASTRO IS FROM MARCOS' HOME PROVINCE OF ILOCOS NORTE AND HAS TWO BROTHERS PROMINENT IN GOVERNMENT SERVICE, BG BIENVENIDO CASTRO AND DEFENSE UNDERSECRETARY FOR MUNITIONS ISABELO CASTRO. MAKASIAR WAS CLASSMATE OF THE PRESIDENT AT UNIVERSITY OF PHILIPPINES. SPECTACLE OF TWO SUPREME COURT JUSTICES FEUDING IN THE PRESS IS HIGHLY UNUSUAL IN MARTIAL LAW CONTEXT. CASTRO HAS BEEN IN VERY POOR HEALTH FOR AT LEAST A YEAR--HIS TRIP TO US AS VOLUNTARY VISITOR IN 1976 HAD TO BE POSTPONED FOR A MONTH BECAUSE OF ILLNESS-AND THIS REPORTEDLY HAS MADE HIM CRANKY AND SLOWED WORK OF COURT. NEVERTHELESS, CASTRO HAS BEEN INSTRUMENTAL IN KEEPING SUPREME COURT IN LINE WITH PRESIDENT MARCOS' MARTIAL LAW POLICIES AND WE ARE SURPRISED AT PUBLIC AIRING OF PROBLEM. TWO OF THE THREE JUSTICES REPORTEDLY ALLIED WITH MAKASIAR (TEEHANKEE AND MUNOZ-PALMA) HAVE BEEN CRITICS OF MARTIAL LAW BUT AT THIS JUNCTURE THERE NOT EVIDENCE TO SUGGEST CURRENT DISAGREEMENT IS ALONG IDEOLOGICAL LINES. IT IS HARD TO IMAGINE PRESS PUBLICIZING THIS STORY WITHOUT CHECKING WITH DPI. THIS SUGGESTS PRESIDENT MARCOS MAY HAVE GIVEN HIS OK BUT AGAIN QUESTION IS WHY. AS DEPARTMENT AWARE, COURT HAS HAD FIVE VACANCIES FOR AT LEAST A YEAR. MARCOS  
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REPORTEDLY HAS HAD TROUBLE ENLISTING NEW JUSTICES. JUSTICE SECRETARY ABAD SANTOS, FOR EXAMPLE HAS BEEN FIGHTING HIS "ELEVATION" TO COURT. LATEST DEVELOPMENTS WILL CERTAINLY NOT MAKE COURT SEEM ANY MORE ATTRACTIVE TO PROSPECTIVE JUSTICES.  
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**Enclosure:** n/a  
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**Errors:** N/A  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009